



The Research Review



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April 12, 2007



House and Senate Commerce Committees met jointly on Monday to hear testimony on HB 1421/SB 1933, "The Competitive Cable and Video Services Act." The bill will be heard in the Utilities, Banking, and Small Business Subcommittee next Tuesday morning.



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Agriculture

Jeremy Maxwell

Agriculture Committee met Tuesday to consider sixteen bills. **HB 2354** (Odom) was **referred to FWM as amended**. The first amendment increases the amount going into the Agriculture Enhancement Grant Program and the Education Fund. The second amendment increases the excise tax on cigarettes from 20 cents to 40 cents per pack. The third amendment takes the sales tax completely off of bread and essential food items. These items are commonly associated with the special supplemental nutrition program for women, infants, and children (WIC). The bill will now go to FWM for further discussion.

HB2354 [Increasing Excise Tax on Cigarettes] Moves to Finance as Amended.

The following bills and resolution were **rolled one week**:

HJR 99 (Sargent) recognizes the importance of spaying and neutering pets.

HB 2229 (Tidwell) increases from \$15.00 to \$30.00 per day the amount that soil district supervisors receive for attending meetings of the soil district; authorizes soil districts to enter into agreements to help improve traditional areas of farm production and to encourage diversification and innovation of farming operations within the district.

HB 976 (Niceley) prohibits the department of agriculture from participating in the establishment of the USDA's National Animal Identification System.

HB 439 (Floyd) prohibits smoking in certain food service establishments to which children are granted access; prohibits smoking in all buildings owned or operated by county or municipal government.

HB 1249 (Odom) removes preemption concerning local regulation of tobacco products and authorizes local regulation of tobacco product usage.

HB 1395 (Jones, U) allows restaurants to choose to have a designated smoking area or to allow children service in the establishment, but not both.

HB 1583 (Fitzhugh) prohibits cigarette manufacturers from targeting advertisements toward significant youth audiences.

HB1851 (Bone) enacts the "Non-Smoker Protection Act" which prohibits smoking in any public place except for certain types of establishments that are defined.

HB 2072 (Maddox) expands prohibitions on smoking on school grounds.

HB 2336 (Odom) creates the Tennessee Smokefree Air Law of 2007 which prohibits smoking in any enclosed public place and outdoor arenas.



Rep. Odom

The following bills were **taken off notice**:



Chairman Bone

HB 19 (Shepard) prohibits smoking in restaurants to which children are allowed access.

HB 245 (Shepard) prohibits the use of tobacco products in public places and other specified areas that allow the presence of individuals that have not attained the age of 18.

HB 441 (Floyd) prohibits smoking in certain motor vehicles whenever any minor is present in the vehicle.

HB 971 (McManus) expands the Children's Act for Clean Indoor Air to prohibit smoking in restaurants; allows adult employees and patrons to smoke in designated smoking areas to which children do not have access.

HB 972 (McManus) allows cities, counties, and counties having a metropolitan form of government to enact legislation by ordinance banning smoking in public buildings owned or operated by the political subdivision and restaurants within their legal jurisdiction; continues state preemption for any establishment where 40 percent or less of their annual revenue is derived from food sales.



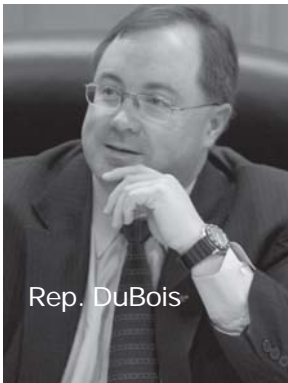
Children & Family Affairs

Amelia Mitchell

Full Committee

The **Children & Family Affairs Committee** did not meet this week.

Domestic Relations Subcommittee



Rep. DuBois

The **Domestic Relations Subcommittee** met on Tuesday, April 10th and the following bills were deferred one week:

HB 438 by Rep. DuBois maintains the 60-day waiting period for irreconcilable differences divorces when the parties have no unmarried minor children, but increases the waiting

period required for irreconcilable differences divorces when the parties have unmarried minor children. If the parties have unmarried children between the ages of 15 and 18 years, the bill for divorce must be on file for 180 days before being heard; and if the parties have unmarried children under the age of 15 years, the bill for divorce must be on file for 365 days before being heard.

HB 457 by Rep. Sontany reduces the allocation from the marriage license fee to the Tennessee Disability Coalition from \$20.50 to \$6.84 and reallocates the remaining \$13.66 as follows: (1) \$6.83 to the TNCO ACTs for education, information, and capacity building efforts to meet the needs of families who have children with developmental disabilities and mental retardation and to meet the needs of adults who have those conditions; and (2) \$6.83 to the ARC of Tennessee for outreach to families of newborns with developmental disabilities.

HB 1284 by Rep. Crider rewrites provisions of the law relating to the rights of grandparents to petition for visitation time with their grandchildren.

HB 1802 by Chairman J. DeBerry requires the department to review the child support guidelines every

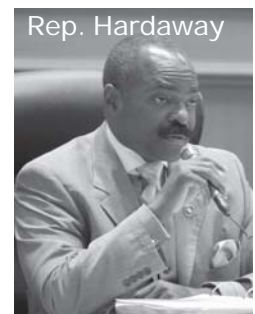
three years from the date of promulgation and to make recommendations regarding necessary revisions in order to maintain compliance with the Uniform Interstate Family Support Act and to ensure that the application of the guidelines results in appropriate child support awards. The department is also required to send a copy of the recommendations to the House Children & Family Affairs Committee and the Senate Judiciary Committee.

HB 1981 by Rep. DuBois requires a waiting period for any divorce involving parties with minor children; requires mediation in all divorce proceedings; allows a court to deny a divorce if the parents have not completed parenting classes; requires cases involving the custody of or visitation with children of unmarried parents to be subject to the parenting plan mediation and parenting class process.

HB 2055 by Rep. Roach exempts nonresidents married in Claiborne County from a portion of an additional fee for issuance of a marriage license.

HB 2098 by Rep. Maddox allows a court to award reasonable attorney fees to a parent who either proposes or opposes a parental relocation with a child who is the subject of a custody order; protects social security numbers of the parties and their children in certain divorce and child custody and support proceedings; requires all parties to any divorce to be subject to certain temporary injunctions, and adds a new temporary injunction against hiding evidence stored electronically; requires capital losses to be deducted from capital gains for the purpose of calculating income pursuant to the child support guidelines.

HB 2227 by Rep. Hardaway enacts the “Equal and Fair Parenting Act” to create a rebuttable presumption that equally shared parenting time is the custody arrangement in the best interest of a child.



Rep. Hardaway



Children & Family Affairs

Amelia Mitchell

The following bills were taken off notice:

HB 188 by Rep. Fincher

HB 988 by Rep. Campfield

HB 993 by Rep. Campfield

HB 997 by Rep. Campfield

HB 1478 by Rep. Harwell

HB 1631 by Rep. Baird

HB 1987 by Rep. Sontany

The following bill failed for lack of a majority vote:

HB 991 by Rep. Campfield creates a rebuttable presumption that shared custody is in the child's best interest.

Family Justice Subcommittee

The **Family Justice Subcommittee** met on Tuesday, April 10th and the following bill was passed to full committee:

HB 942 by Rep. Dean revises the Interstate Compact for Juveniles.

The following bills were deferred one week:

HB 351 by Rep. Hardaway clarifies that a parent who attempts to support or visit a child has not willfully abandoned the child for the purpose of termination of parental rights in either foster care or adoption situations; clarifies that foster care agreements must be entered in any foster care arrangement, including private arrangements

HB 2230 by Chairman J. DeBerry removes reference to "investigating" in provision authorizing a hospital, clinic, school, or other organization responsible for the care of children to develop a specific procedure for internally tracking, investigating, reporting, or otherwise monitoring a child abuse report made by a member of its staff.



Commerce

Matt Barnes

Full Committee Monday, April 9, 2007



The **Commerce Committee** met jointly with Senate Commerce on Monday to hear HB 1421/SB 1933. Those who spoke in opposition to the bill include: the Tennessee Municipal League, the Association of County Mayors, the Tennessee County Serv-

ices Association, AARP, and the Tennessee Cable Telecommunications Association. AT&T spoke in favor of the bill.

Tuesday, April 10, 2007

The Commerce Committee met Tuesday to hear seven bills. The full committee will not meet next week so that HB 1421 may be heard during the full committee time slot by the Utilities, Banking, and Small Business Subcommittee.

HB 656 (Hawk) revises the eligibility requirements for registration as a blaster, limited blaster, or handler. Instead of a blanket registration requirement of being at least 21 years of age, this bill specifies that handlers shall be at least 18 and blasters and limited blasters shall be at least 21. Further, the bill allows a person licensed in another state for at least a year to apply for registration in this state. Any action by the Department of Commerce and Insurance to collect a civil penalty must be initiated within one year of the alleged violation. *[passed to Calendar and Rules]*

HB 753 (Curtiss) requires the seller of a piece of property to disclose known percolation tests or soil absorption rates prior to contracting with the buyer. *[passed to Calendar and Rules]*

HB 1038 (Cobb, C.) allows a person actively engaged in the polygraph examinations business in another state for five years, in lieu of a six-month internship requirement, to apply for licensure as a polygraph

examiner. *[passed to Calendar and Rules]*

HB 1162 (Sontany) allows the person rebuilding a motor vehicle or the person having the motor vehicle rebuilt to apply for a certificate of title, as opposed to present law that allows only the rebuilder to apply. *[passed to Calendar and Rules]*

HB 1226 (Gilmore), with an amendment that rewrites it, prohibits a facilitator who advertises the availability of an income tax refund anticipation loan from representing the loan as a customer's actual refund. The facilitator must state conspicuously that it is a loan and that a fee or interest will be charged. Further, the facilitator shall provide the estimated total fees for obtaining the loan, the estimated annual percentage rate, and the various costs, fees and finance charges, if applicable. *[passed to Calendar and Rules as amended]*

HB 1278 (Lynn), as amended, requires those involved in blasting operations where a reportable accident has occurred to make a reasonable effort to ensure the immediate blasting area remains undisturbed until the Department of Commerce and Insurance completes its initial investigation. *[passed to Calendar and Rules as amended]*

HB 1421 (McDaniel) enacts the "Competitive Cable and Video Services Act," allowing an entity seeking to provide cable or video services to apply with the secretary of state for a statewide franchise instead of applying with each local government. The various parties to this legislation made brief wrap-up arguments, taking no questions. The bill will be heard in the Utilities, Banking, and Small Business Subcommittee next week.





Commerce

Matt Barnes

Industrial Impact Subcommittee

The **Industrial Impact Subcommittee** met Wednesday to hear 31 bills. Of those, HBs 2256, 2167, 1353, 1481, 1003, and 1452 were rolled one week. HB 817 was rolled to the mandate calendar, which Chairman Shepard said will likely be heard the last Wednesday of this month.

HBs 547, 2095, 169, 644, 646, 2203 were rolled to the last calendar. HB 70 was rolled to the first subcommittee meeting in February 2008. HBs 1321 and 276 were taken off notice, and HB 232 failed for lack of a motion.

HB 1166 (Sontany), with an amendment that rewrites it, makes it permissive for a municipality with over 100,000 people to adopt by ordinance and a county with over 200,000 people to adopt by resolution the duties and powers associated with enforcement of state blasting standards. *[passed to full committee as amended]*

HB 800 (Jones, U.) allows a person holding a master's degree in engineering to sit for the eight-hour written engineering examination. Present law requires a person seeking certification to have graduated from a four-year undergraduate program and to have obtained four years' experience and certification as an engineering intern. This bill in its original form omits the engineering intern requirement, but the subcommittee adopted an amendment that adds it back. The subcommittee further adopted a second amendment that allows for rulemaking effective January 1, 2008. *[passed to full committee as amended]*

HB 1482 (Fincher), as amended, allows a person whose insurance has been terminated due to divorce or death of the insured spouse and then continued according to present law to pay premiums on or before the beginning of each month's coverage. Present law requires premiums to be paid in full in three-month increments. *[passed to full committee as amended]*

HB 2234 (DeBerry, L.), as amended, revises provisions governing the disclosure of information obtained under the Controlled Substance Monitoring Act. Instead of information being sent on letterhead, the amendment allows the information to be released by the database manager or by password-protected internet access. *[passed to full committee as amended]*

HB 2081 (Maddox) exempts from the gross premium tax a self-insured pool created by an association in existence for 25 or more years of private, not-for-profit educational institutions. The subcommittee adopted an amendment that removes the requirement that previous taxes be returned to the pool. *[passed to full committee as amended]*

HB 2082 (Maddox), as amended, alters the self-insured pool requirements so that two or more employers of the same profession with at least 500 covered lives may create a self-insured pool. Present law allows 10 or more employers of the same profession to create a self-insured pool. *[passed to full committee as amended]*

HB 1956 (Armstrong) enacts the "Motorcycle and Off-road Vehicle Dealer Fairness Act," imposing certain requirements on agreements between suppliers and retailers. Among other provisions, the bill requires a supplier to repurchase the inventory maintained by the retailer if the agreement is terminated. The bill further prohibits coercion or conditioning a sale of inventory to a dealer upon a requirement that the dealer purchase other goods. *[passed to full committee]*

HB 2249 (Coleman), with an amendment from the TBI that rewrites the bill, clarifies the instances in which the TBI and the Office of Inspector General have access to information contained in the Controlled Substances Database. *[passed to full committee as amended]*

HB 1513 (Tindell) requires those licensed to monitor alarms, prior to dispatching police, to call at least two



Commerce

Matt Barnes

different numbers when attempting to contact alarm locations or users. This bill does not apply to hold-up alarms. *[passed to full committee]*

HB 1876 (McDonald) establishes new registration requirements for geologists and creates an advisory committee on geology. *[passed to full committee]*

HB 452 (Cobb, C.) requires the Real Estate Commission to meet at least once annually in each grand division. *[passed to full committee]*

HB 741 (Curtiss) allows the executive director for the Board for Licensing Contractors to take emergency actions without calling a meeting of the board, provided the actions are posted on the board's website and ratified at the next board meeting. *[passed to full committee]*

HB 2320 (Curtiss), as amended, prevents double taxation of prepaid limited health service organizations. Present law subjects such organizations to gross premium tax provisions. This bill states, however, that the premiums, contributions, and assessments received by such organizations pursuant to subcontracts with entities under contract to the Title XIX single state agency for the provision of health care services are exempt from such tax. *[passed to full committee as amended]*

HB 1551 (Hackworth), as amended, sets the contract price at \$1 million for the improvement of real property related to water, sewage or energy services when an escrow amount must be set aside for the performance obligation of the owner or contractor. The amendment also limits the applicability of this bill to Oak Ridge. *[passed to full committee as amended]*



Rep. Hackworth

Utilities, Banking and Small Business Subcommittee

The **Utilities, Banking and Small Business Subcommittee** met Tuesday to hear nine bills, including the Addendum. Of those, HB 1491 was rolled two weeks and HBs 2043 and 352 to the last calendar. HB 1019 was taken off notice, and HB 591 (Lundberg) failed.

HB 2099 (Maddox) expands the membership of the Tennessee Broadband Task Force from 14 to 15 to include a representative of the Department of Education. *[passed to full committee]*

HB 1037 (Cobb, C.), as amended, creates a right of lien for auctioneers who perform auctioneering services and are subsequently denied payment. Such lien shall only extend to property owned by the person who has denied payment for a commission or fee for services performed by the auctioneer. *[passed to full committee as amended]*

HB 1621 (Overbey) enacts the "Uniform Prudent Managers of Institutional Funds Act," repealing the Uniform Management of Institutional Funds Act of 1973. The bill establishes guidelines for the management, investment, and expenditure of endowment funds held by charitable institutions. *[passed to full committee]*

HB 680 (Fitzhugh) closes a loophole in the Residential Closing Funds Distribution Act of 2005, specifying that the definition of "commercial real estate" applies only in that part. *[passed to full committee]*

The full Commerce Committee will not meet next week. Utilities & Banking will meet in that time slot to hear HB 1421.



Conservation & Environment

Jeremy Maxwell

The Conservation and Environment Committee met Wednesday to consider seven bills on calendar.

The following joint resolutions were **referred to Calendar and Rules**:

HJR 310 and **HJR 313** (Odom) dealt with the appointments of new Tennessee Wildlife Resources Commission members.

The following bill was **referred to FWM as amended**: **HB 743** (Curtiss) gives the Comptroller of the Treasury authority to audit the utility district's annual average unaccounted water loss.

The following bill was **referred to FWM**:

HB 1159 (Buck) authorizes a 501(c)(3) non-profit wildlife conservation organization to sell or transfer an elk-take permit issued by the executive director of TWRA pursuant to rules promulgated by the Wildlife Resources Commission; proceeds of the sale will be used for the elk program.

The following bill was **taken off notice**:

HB 61 (Turner, M) requires land managed by TWRA to be open to access and use for recreational hunting, and that agency land management actions relative to such land not result in any net loss of available acreage for hunting opportunities.

The following bill was **rolled to the last calendar**:

HB 2059 (Roach) increases penalty from Class C to Class B misdemeanor for trespassing on property with an ATV; second and subsequent offenses are punishable by mandatory \$250 fine.

The following joint resolution was **rolled two weeks**: **HJR 108** (McCord) adds provisions establishing the right to hunt, fish, and harvest game subject to reasonable rules and regulations; establishes standard for reviewing such rules and regulations.

Wildlife Subcommittee

Wildlife Subcommittee did not meet.

The Wildlife Subcommittee is now closed subject to the call of the Chair.

Parks and Tourism Subcommittee

Parks Subcommittee met Tuesday to consider one bill, referring it to **full committee**. **HB 2083** (Maddox) transfers jurisdiction of Big Cypress State Natural Area from the TWRA to the department of environment and conservation.



Environment Subcommittee

The Environment Subcommittee met Wednesday to consider three bills. The following bills were **referred to full committee as amended**:

HB 865 (Harrison) excludes narrow run-off ditches from the definition of waters for purposes of the Water Quality Control Act.

HB 1163 (Sontany) Enacts "Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act."



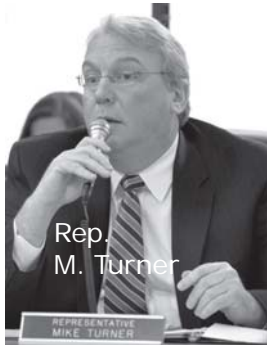
HB1300 (West) was **rolled one week**. It exempts certain properties with existing septic tank from obtaining a new subsurface sewage disposal system permit when constructing a residence on such property.



Consumer & Employee Affairs

Lucy Wilson

The Consumer Affairs Subcommittee had two bills on calendar this week. **HB 1489 by Towns** was rolled one week. The bill would rename the “Tennessee Identity Theft Deterrence Act of 1999” to the “Tennessee Identification and Personal Information Protection Act of 2007” and would expand provisions of the identity theft prohibitions already found in the Act.



HB 55 by Turner M requires any retailer issuing a gift certificate to permit the recipient of the gift certificate to redeem a percentage of the face value in cash. An amendment that follows the bill allows the consumer to redeem up to 10% of the value in cash after spending at least 90% in good or services. This bill passed to the full committee with the amendment following.

The **Employee Affairs Subcommittee** heard **HB 2148 by Curtiss**. This bill requires any business or government entity in possession of Social Security numbers to provide strict protection of those numbers. The bill also creates a Class B misdemeanor for violating this statute. The bill passed to the full committee.

HB 65 by Turner M addresses sexual discrimination and Enacts “Pay Equity in the Workplace Act of 2007.” It passed to the full committee.

The following five (5) bills were rolled one week to the April 17th calendar; **HB’s 0684 and 1584 by Fitzugh**, **HB 775 by Vaughn**, and **HB’s 729 and 727 by Hood**.

Of the thirty (30) bills on the calendar, thirteen (13) were taken off notice. They are:

HB 0655 by Hawk **HB 1138 by Buck**
HB 1822 by Buck **HB 1484 by Towns**
HB 1905 by Rinks **HB 0613 by Turner M**
HB 1576 by Kelsey **HB 1642 by Mumpower**
HB 1644 by Mumpower **HB 1645 by Mumpower**
HB 1646 by Mumpower **HB 2322 by Odom**
HB 0563 by Curtiss

The remaining ten (10) bills were on Workers’ Compensation. The Committee decided to roll these bills one week to be heard April 17, 2007. The Joint Committee on Workers’ Compensation will meet April 12, 2007 to review pending workers’ compensation legislation. The Joint Committee’s member’s comments will be available to members of the Employee Affairs Subcommittee as they make decisions on the ten (10) workers compensation bills pending in this committee. Those bills are:

HB 0278 by Mumpower **HB 2128 by Fitzhugh**
HB 2129 by Fitzhugh **HB 1568 Curtiss**
HB 0073 by Turner M **HB 1081 by Turner M**
HB 2307 by Turner M **HB 1518 by Hackworth**
HB 1818 by Hackworth **HB 1603 by Overbey**

Consumer Affairs and Employee Affairs will close on April 24th subject to the call of the Chairs.

The Full Committee

The House Consumer & Employee Affairs Committee had four bills on calendar, all of which were rolled one week to the April 17, 2007 calendar.

HB 1893 by Dubois adds local law enforcement agencies to the Department of Labor and Workforce Development as agencies providing enforcement for the statute prohibiting hiring illegal immigrants.



Consumer & Employee Affairs

Lucy Wilson

HB 454 by Hackworth limits the ability to negotiate medical fees that are lower than the workers' compensation comprehensive medical fee schedule. An amendment that followed the bill from the Employee Affairs Subcommittee authorizes an employer, trust, pool, insurer or network administrator to negotiate contracts for medical fees that are lower than the workers' compensation comprehensive medical fee schedule.

HB 625 by Turner M adopts the federal minimum wage as the state minimum wage, but provides for automatic increases in a certain amount whenever Congress fails to increase the minimum wage for five full calendar years.

HB 49 by Turner M authorizes unemployment insurance benefits to an individual who leaves work or is discharged due to circumstances resulting from being victim of domestic violence.

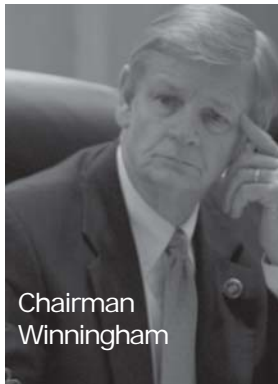
Chairman Mike McDonald announced that the subcommittees of the House Consumer & Employee Affairs Committee will close on April 24, 2007. This will be the last meeting date for Employee Affairs Subcommittee and for Consumer Affairs Subcommittee.



Education

Pam Mason

The House Education Committee met on Wednesday to consider its calendar. Action follows.



Chairman
Winningham

Referred to Calendar & Rules:
HB 1942 – (Winningham) each year LEAs are to report, within thirty days of the beginning of the school term, to the commissioner of education the employment standards adopted for school resource officers.

HB 928 – (Winningham) adds the safety of other students or school system employees to factors school boards may take into account when suspension, dismissal, or alternative placement of a student is being considered.

HB 1545 – (Rowe) directs the advisory council for alternative education to study pilot programs, policies and curricula and report to the governor, state board of education, and the education committees of both houses by January 1, 2008.

HB 1765 – (Jones, U.) directs the department of education to study the feasibility of LEA created school district police departments. A report is to be given to the speakers of both houses and the chairs of the education committees of both houses by January 15, 2008.

HB 1546 – (Rowe) the state board of education is directed to study the feasibility of alternative paths to obtaining high school diplomas for those students who do not pass Gateway examinations. The report is to be given to the education committees of both houses by January 1, 2008.

HB 2237 – (Fincher) is an administration bill that removes the requirement that a student's social security number be used as an identification number. Students will be assigned a personal identification number upon entering a Tennessee public school.

HB 333 – (Tidwell) the department of education is to develop alternative means for adult students attending adult high schools. Areas of consideration include, but are not limited to, independent study, computer-assisted programs, on-line or distance programs, and work experience.

Referred to Calendar & Rules, if amended:

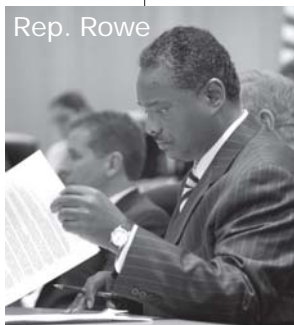
HB 337 – (Hackworth) amendment 1 directs the department of education to consider including appropriate school safety issues in the lifetime wellness curriculum. The department is further directed to review US Department of Homeland Security for inclusion. Amendment 2 encourages each LEA to post proper signs on school grounds to limit motor vehicle speeds to ten miles per hour.

Referred to Finance, Ways & Means:

HB 1955 – (Armstrong) creates a medical school scholarship program for students in Tennessee private medical schools. Students must be Tennessee and United States citizens; enrolled on a full-time basis in an accredited school; and agree to perform one year of service for each year the scholarship aid. Schools that qualify under this legislation are DeBusk College of Osteopathic Medicine at Lincoln Memorial University, Vanderbilt University, and McHarry Medical School.

HB 1957 – (Armstrong) creates a medical school scholarship program for students in Tennessee private or public medical schools. The same criteria for eligibility apply as in HB 1955. The public schools eligible are the University of Tennessee college of medicine and East Tennessee State University James H. Quillen college of medicine.

HB 403 – (Jones, S.) requires training course for school resource officers (SRO) be designed specifically for school policing and consist of a minimum of 40 hours. Training must be certified by the peace officers standards and training commission. SROs must have advance training in school policing each year.



Rep. Rowe



Education

Pam Mason

HJR 147 – (Montgomery) creates a special joint committee to study the traditional school year. The committee will be composed of 12 members – the chairs of the education committees of both houses; the chair of the senate environment, conservation and tourism committee, the house conservation and environment committee, four members of the senate, and four members of the house appointed by the respective Speakers. A report is to be given to the 105th General Assembly no later than February 1, 2008.

HB 1731 – (Winningham) requires each LEA to use a part of the BEP medical insurance component to pay at least 30 percent of the health insurance premium for support or non-professional personnel who participate in the health plan offered by the board of education.

HB 1734 – (Winningham) for each eligible employee, an LEA is to pay at least 50 percent of that employee's health insurance premium.

Referred to Finance, Ways & Means, if amended:

HB 2236 – (Brown) is an administration bill that replaces the high school exit exam with three assessment exams. These tests will occur in the eighth, tenth and eleventh grade and will provide diagnostic information to assist students and increase graduation rates. The amendment requires that the commissioner of education approve the assessment exams.

Deferred 2 weeks:

HB 1251 – (Odom)

HB 1947 – (Swafford)

HB 950 – (Winningham)

HB 1008 – (Brown)

HB 1467 – (Fitzhugh)

HB 1735 – (Winningham)

Rep. Montgomery



Higher Education Subcommittee

The Higher Ed Subcommittee met on Wednesday to consider three items on its calendar. Action follows:

Referred to Full Committee:

HB 447 – (Winningham) creates a committee on postsecondary education under the Tennessee higher education commission.

HB 886 – (Montgomery) adds online course fees to the state employee tuition waiver. One course per term in a board of regents school would be eligible. As amended, the program would be limited by the amount of funds specifically appropriated for such waivers in the general appropriations act.

Deferred to Last Calendar:

HB 919 – (Fitzhugh)

K-12 Subcommittee

The K-12 Subcommittee met on Tuesday and considered its calendar. Action follows.

Referred to Full Committee:

HB 1004 – (Curtiss) requires that any school bus purchased after July 1, 2007 be equipped with a safety restraint system. The system must include the driver and all passengers and have been approved by the National Transportation Safety Board. All school buses shall be equipped with such a system after July 1, 2019.

HB 685 – (Fitzhugh) requires that any school bus purchased after July 1, 2007, and to be used by a school system for transporting students, be equipped with safety belts or any other restraint system approved by the federal government. Requires each passenger wear the safety device at all times when the bus is in operation.



Education

Pam Mason

Referred to Full Committee, if amended:

HB 51 – (Turner, M.) adds to reasons a student may be suspended cases of two or more students initiating a physical attack on an individual student. The incident may occur on school property, at a school activity, or during travel to and from school.

HB 234 – (Overbey) urges the state board of education to include instruction concerning parents who voluntarily surrender physical custody of an unharmed infant with 72 hours of birth.

Deferred 1 week:

HB 2260 – (Litz)
HB 1302 – (West)
HB 933 – (Brown)
HB 1516 – (Gresham)
HB 2113 – (Maddox)
HB 483 – (Coley)
HB 1944 – (Winningham)
HB 1225 – (Gilmore)
HB 1479 – (Harwell)
HB 1371 – (Kernell)
HB 825 – (Dunn)
HB 1062 – (Gresham)
HB 1843 – (Borchert)
HB 565 – (Harwell)
HB 479 – (Brooks, H.)
HB 344 – (Winningham)
HB 562 – (Todd)
HB 1186 – (Jones, S.)

Referred to the Select Oversight Committee on Education:

HB 1228 – (Kelsey)

Deferred to July 6, 2008:

HB 989 – (Campfield)

Taken off Notice:

HB 1437 – (DeBerry, J.)
HB 907 – (Hill)
HB 2071 – (Maddox)
HB 1050 – (Rowland)
HB 191 – (Johnson, P.)
HB 1438 – (DeBerry, J.)
HB 476 – (Lollar)





Finance, Ways & Means

Julie Travis & Patrick Boggs

The Full Committee

The House Finance, Ways, and Means committee met on Tuesday, April 10th to hear twenty-four bills presented before the committee as well as budget hearings for three departments. All bills but one were sent to Calendar and Rules. **HB 460** by Chairman Fitzhugh was deferred for one week, at the request of the sponsor.



The following bills were referred to Calendar and Rules:

HB 1465 (Rep. Fitzhugh) – This bill comes from the Comptroller’s Office, changing provisions regarding when the State Board of Equalization will accept an appeal from the taxpayer to specify that the appeal will be accepted up to March 1 of “the year in which the time for appeal to the State Board has begun to run”, thereby allowing a taxpayer to have a reasonable cause hearing even if the hearing period does not commence until after the following tax year.

HB 2209 (Rep. Roach) – hwy sign bill – This bill designates a certain overpass spanning US Hwy. 25E on US Hwy. 11W in Grainger County as the “W.I. Daniel Overpass”. The Finance Committee amended the bill to have the state pay for this piece of legislation. The fiscal memo designates that such funds will come from the Highway Fund.

HB 2092 (Rep. Maddox) – This bill authorizes a local litigation tax of up to \$25 per civil or criminal case in Carroll County. The bill is permissive for the local government of Carroll County.

HB 1035 (Rep. C. Cobb) – hwy sign bill – This bill designates a certain bridge on U.S. Highway 64 in Lincoln County as the “Donny Ray Hudson Memorial Bridge”. The Finance Committee amended the bill to have the state pay for this piece of legislation. The fiscal memo designates that such funds will come from the Highway Fund.

HB 382 (Rep. Rowland) – This legislation, as amended in State & Local Government Committee, defines “project for private purpose,” and restricts under which a municipal corporation can construct water or sewage lines on private property. This bill authorizes municipal corporations to create a temporary easement to maintain water and sewer lines on

private property when the construction is done in the public interest (i.e., when such rehabilitative maintenance or construction is deemed necessary by the municipal corporation because of excessive infiltration and inflow from groundwater or rainwater results in an overflowing sewer or other serious health or system capacity issues.) The property owner must consent and agree to hold the municipal corporation harmless for the work performed.



HB 1910 (Rep. Rinks) – As amended in Finance, this bill requires mass mailings, sent by a member of the General Assembly, and done within the 30 days before an election, to be paid for by non-state funds.

HB 2238 (Rep. Pitts) – This legislation is an Administration Bill, removing the exemption from the Check Cashing Act for licensed money transmitters and registered industrial loan and thrift companies. It allows those entities to continue the business of check cashing without a license until the license is granted, if the entity applies for its licensure by December 31, 2007. It prohibits the advertisement of being a check cashing business by non-licensed persons.

HB 200 (Rep. Odom) – This is the “security freeze” bill, enacting the “Credit Security Act of 2007” which would permit consumers to freeze and control third party access to their credit report information under certain circumstances.



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(HB 200 continued) As amended in Consumer & Employee Affairs, the unauthorized release of frozen reports is punishable through civil penalties, private rights of action, and as a Class B Misdemeanor. Furthermore, it prohibits businesses that obtain person's SSN from disclosing that SSN to the public. And it requires the Comptroller to review current state and local government policies and practices as they relate to the protection of social security numbers.

HB 145 (Rep. McDonald) – This is what has been termed the “No Net Loss Bill,” requiring that TWRA land management decisions not result in any net loss in acreage available to hunting and fishing. It opens all TWRA land to hunting and fishing except as limited by the agency for reasons including public safety, homeland security, or as otherwise limited by law. As amended in Conservation and Environment, the Agency shall not be responsible for the mitigation of land closures not owned by the Agency, but are under its control.

HB 1063 (Rep. Maggart) – This bill enacts the “Regional Water and Wastewater Treatment Authority Act.” It authorizes local governments to create water treatment and wastewater treatment authorities. These authorities would still be subject to the oversight of the Department of Environment and Conservation.

HB 1784 (Rep. U. Jones) – This bill authorizes Shelby, Hardin, and Wayne Counties to provide emergency medical services, and to charge fees for such service, within their counties. The fire service fee that currently funds fire protection can now be raised and any additional revenue gained could be used to provide EMS equipment and personnel for the benefit of the counties involved. The bill is permissive for these local governments.

HB 1196 (Rep. Fraley) – This bill adds the Cowan Railroad Museum, located in Franklin County, as an official railroad museum, for the purposes of receiving appropriations, state or federal grants, and donations from private and public sources. The state is also authorized with this bill to erect a highway sign to direct travelers to this museum.

Rep. Ferguson, Chairman Fitzhugh



HB 297 (Rep. Ferguson) – This bill authorizes members of the Roane County Urban Type Public Utilities Board to receive compensation of up to \$100 for each meeting attended, subject to the approval of the county legislative body by a two-thirds vote.

HB 850 (Rep. Eldridge) – This legislation expands on legislation passed during the last General Assembly. It establishes a one-time award of sixty days educational good time credit to inmates who successfully complete their GED, college degree or vocational education. This bill expands the credit to those inmates who completed their degree prior to July 1, 2006.

HB 845 (Rep. Eldridge) – This bill adds Madison County to the Community Redevelopment Act of 1998. It adds broadly to the taxing authority of the county, particularly for the purpose of clearing up, and the redevelopment, of blighted areas.

HB 31 (Rep. DuBois) – hwy sign bill – This bill designates a certain segment of S.R. 7 in Maury County the “Rosalee Fly Atkisson Memorial Bridge.” The Finance Committee amended the bill to have the state pay for this piece of legislation. The fiscal note designates that such funds will come from the Highway Fund.

HB 926 (Rep. DuBois) – This creates a licensing category for commercial lawn maintenance herbicide applicators, if their herbicides contain the active ingredient glyphosate. The bill sets up a \$100 licensing



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fee for persons to be licensed every two years to be certified to spray a “Round-up” type herbicide. Each applicant shall have proof of insurance and will be issued a decal with license designation for a cost of \$5.

HB 1757 (Rep. J. DeBerry) – This authorizes Shelby County government officials and employees to be monitored directly by the Tennessee Ethics Commission, with the Shelby County government paying directly for the oversight. The bill is permissive, in that Shelby County would have to adopt by county resolution, to have its administrative and legislative officials subject to the gift prohibitions of the ethics law, and have it administered and enforced by the state ethics commission.

HB 844 (Reps. Buck, Bone) – hwy sign bill – This legislation designates a certain segment of S.R. 53/S.R. 141 in Smith County between the New Middleton community and Gordonsville as the “Colonel Bernie S. Bass Highway.” Col Smith is a 30-year veteran of the U.S. Air Force. The Transportation Committee amended the bill to have the state pay for this piece of legislation. The fiscal note designates that such funds will come from the Highway Fund.

HB 2228 (Rep. Bibb) – This bill authorizes the Commissioner of Agriculture to use funds in the Agricultural Resources Conservation Fund as matching dollars for the purposes that the fund was created and for providing technical assistance to grant recipients. It also authorizes the fund’s dollars to be spent for administrative purposes.

HB 1969 (Rep. Armstrong) – hwy sign bill – This legislation designates a certain bridge spanning the Norfolk-Southern railroad tracks on Magnolia Avenue in Knoxville as the “Casey C. Jones Memorial Bridge.” The Transportation Committee amended the bill to have the state pay for this piece of legislation. The fiscal note designates that such funds will come from the Highway Fund.

HB 1970 (Rep. Armstrong) – hwy sign bill – This legislation designates a certain bridge spanning the James White Parkway (SR 158) on Summit Hill Drive in Knoxville as the “Robert J. Booker Bridge.” The Transportation Committee amended the bill to have the state pay for this piece of legislation. The fiscal note designates that such funds will come from the Highway Fund.

HB 79 (Rep. DuBois) – hwy sign bill – This legislation designates a certain segment of SR 50 in Maury County from the eastern corporate limits of Columbia southeastward to the Maury County/Marshall County border as the “Trooper Calvin Wayne Jenks Memorial Highway” and directs the Department of Transportation to manufacture and erect suitable signs. Funding for this bill will be in accordance with TCA §54-1-133, and will be paid out of the Highway Fund.

We heard from the Department of the Military (*Adj. Gen. Gus Hargett*), Department of Veterans Affairs (*Cmsr. John Keys*), and from the Tennessee Historical Commission (*Dir. Patrick McIntyre*), in the presentation of their departmental budgets on Tuesday. The committee ran out of time while hearing from the Tennessee Historical Commission, and they have been asked to come back next Tuesday for a continuation of questions, comments, and concerns.

The committee also met on Wednesday, April 11, 2007, to hear from the Departments of F&A concerning the Cover Tennessee program (*Cmsr. Dave Goetz*) and the Bureau of TennCare (*Deputy Cmsr. Darin Gordon*). Thursday’s budget hearings resume as we look forward to hearing from Cmsr. Jim Neeley in the Dept. of Labor and Workforce, Dir. Dave Mitchell of Homeland Security, Cmsr. Dave Mitchell in the Dept. of Safety, and Deputy Cmsr. Steve Norris of the Department of F&A’s Division of Mental Retardation Services.



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Budget Hearings continue next Tuesday with Mr. McIntyre returning to finish the presentation of the Tennessee Historical Commission; along with Mr. Jerry Abston, the Executive Director of the Tennessee Corrections Institute; and Ms. Patricia Weiland, the CEO of TRICOR. The House budget hearings may be observed on-line through the video streaming available on the legislature's website, at <http://www.legislature.state.tn.us>.



The Budget Subcommittee

The Budget Subcommittee of the House Finance, Ways, and Means Committee met on Wednesday, April 11, 2006, with 44 bills on calendar.

Subcommittee Actions for these bills are as follows:

Deferred for one week:

HB 1280 – Rep. Lynn
HB 572 – Rep. Rowland (as amended w/ BSA1)
HB 458 – Rep. Sontany
HB 1337 – Rep. Briley
HB 78 – Rep. Litz
HB 1218 – Rep. McDonald
HB 2213 – Rep. Pinion
HB 3 – Rep. Pruitt
HB 484 – Rep. Shaw

Deferred for two weeks:

HB 180 – Rep. B. Cooper

HB 1407 – Rep. B. Cooper

HB 35 – Rep. Hackworth

HB 444 – Rep. Moore

HB 258 – Rep. Sargent

HJR 204 – Rep. West

HB 1315 – Rep. West

Deferred for three weeks:

HB 622 – Rep. M. Turner

Deferred to the Last Calendar:

SJR 66 – Sen. Henry (carried by Rep. Fitzhugh)

Behind the Budget

HB 1560 – Rep. Curtiss

HB 14 – Rep. Curtiss

HB 711 – Rep. Ferguson

HB 297 – Rep. Dean

HB 178 – Rep. Harwell

HB 252 – Rep. Harwell

HB 1868 – Rep. Hensley

HB 287 – Rep. Moore

HB 966 – Rep. Overbey

HB 1246 – Rep. Shaw

HB 713 – Rep. Tindell

Referred to full committee:

HB 1006 (Rep. Curtiss) eliminates the Home Improvement Commission and requires all persons engaged in home improvement contracting work to be licensed by the State Board for Licensing Contractors. Establishes a subcommittee of the Board to act as an advisory committee concerning home improvement contractors. All current members of the Home Improvement Commission shall be appointed to serve on the initial subcommittee. As amended in the Government Operations Committee, a sunrise review was added to the Board. The Commerce Committee amended the bill to restore the authorization for counties to opt into the provisions of the Home Improvement Licensing Act by two-thirds majority vote. (The opt-in provision is in present law, but the original bill removed it.)



Finance, Ways & Means

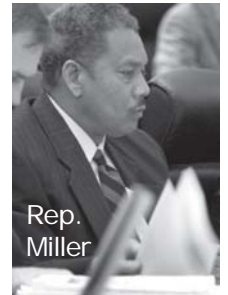
Julie Travis & Patrick Boggs

HB 1968 (Rep. Armstrong), as amended with the Council on Pensions & Insurance Amendment, defines “Certain unfunded pension obligations”, by further broadening the definition to include pension benefits for past service of employees of a local government whose pension benefits arise from a defined benefit pension plan that is: (1) adopted by referendum amendment of a county charter and (2) which limits enrollment in the plan to law enforcement employees of the local government. It limits the term of the bonds issued in conjunction with the provisions of this bill to twenty (20) years. This bill, as amended, requires the servicing of the bonds to be subject to the review of the Comptroller’s Office. There is a sunset provision included as well, dated July 1, 2008. (This is the bill allowing Knox County to fund the pensions of public safety officers through bonding indebtedness, due to the passing of their referendum.)

HB 1257 (Rep. Fitzhugh), as amended in Budget Sub., requires the University of Tennessee and the Board of Regents to develop policies to minimize the cost of textbooks and course materials used at higher education institutions; that copies of textbooks to be made available for student use at no charge through the academic dept., or through the institution’s library if such textbooks have been furnished at no charge by the publisher for this purpose. The bill further requires faculty to list required textbooks and course materials available to students on the institution’s website using existing computer software, and requires that textbook inventory and monitoring be handled by existing bookstore staff.

HB 467 (Rep. Fitzhugh) clarifies that transfers of real estate to or from a revocable living trust are exempt from transfer tax only if the trust was created by the transferor or the transferor’s spouse, and further clarifies that deeds executed by the trustee of a revocable living trust to implement a testamentary devise by the trustor of the trust are exempt from transfer tax.

HB 1496 (Rep. L. Miller) is the lottery retailer expansion bill, which authorizes any person, partnership, unincorporated association, corporation, or other business entity with a license violation for unlawfully selling or providing a product or substance to a minor to become a lottery retailer if their sentence has been completed and their license restored.



HB 222 (Rep. Moore) is the staph bill: Amended in the Health & Human Resources Committee, which rewrote the bill, this legislation requires the infections taskforce to continue to meet at least semi-annually to focus on the prevention and control of antibiotic resistant infections including methicillin resistant staphylococcus aureus (MRSA) and issue a progress report on MRSA to the General Assembly each year for three years beginning in 2008.

HB 1760 (Rep. Moore) authorizes an assessor to revise forced assessments of tangible personal property if it is determined that a taxpayer was not in business on the assessment date. The State & Local Govt. Committee amended the bill to narrow down the provisions of the original bill to state that an assessor is authorized, whether or not an assessor’s error affected the original assessment, to revise forced assessments if it is determined that a taxpayer was not in business on the assessment date after determining that the taxpayer did not own or lease tangible personal property used or held for use in a business as of the assessment date for the year at issue.

HB 627 (Rep. Overbey) is a highway sign bill. It designates a certain segment of U.S. Highway 411 in Blount County from the southern corporate limits of the City of Maryville southward to the Blount County-Loudon County boundary as the “Clifford H. ‘Bo’ Henry Highway.” The Transportation Committee amended the bill to have the state pay for the signage with state highway funds and to further clarify the section of highway being named. The signs are to be placed outside the city limits of Maryville.



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HB 1907 (Rep. Rinks) is the castle doctrine bill to expand circumstances in which a person may use deadly force in self defense or in defense of a third party. As amended in Judiciary Committee, it limits civil liability to damage caused to a person or property of a person against whom unjustified force was used, and redefines “vehicle” as any motorized vehicle that is self-propelled and designed for use on public highways.

HJR 208 (Rep. Shepard) is a highway sign bill designating the bridge spanning Beaver Dam Creek on S.R. 96 in Dickson County as the “Daniel F. Hall Memorial Bridge.” As amended in the Transportation Committee, the funding source was changed to have the state pay for the sign with highway funds.

HB 243 (Rep. Shepard) extends the moratorium on nursing facility beds, including hospital beds converted to either hospital swing beds or nursing home beds, nursing home beds added by the 10 bed – 10% rule, and skilled Medicare beds until June 30, 2009.

HB 2305 (Rep. M. Turner) is an Administration Bill authorizing persons who receive wages in lieu of notice to also receive unemployment compensation. It also removes the requirement that a person who receives a back pay award must repay unemployment benefits. (We have a funding letter from the administration recognizing this bill.)

HB 2265 (Rep. M. Turner) is an Administration Bill. It revises the Unemployment Insurance Premium Rate Chart. In the Premium Rate Table 3, the 2.7% rate is changed to 2.65%. In Premium Rate Table 4 there are two 0.40% rates. The second rate of 0.40% is changed to 0.45%. (We have a funding letter from the administration recognizing this bill.)

HB 1736 (Rep. Winningham) authorizes the City of Oliver Springs to levy a hotel/motel tax. The levy of such a tax would be subject to adoption of an ordinance by a 2/3 vote of the city governing body.

HB 1500 (Rep. Winningham) authorizes all eleven counties subject to the County Purchasing Law of 1957 to auction surplus property over the internet.





Government Operations

Kristina Ryan

The Government Operations Committee met on Wednesday, April 11, 2007 to deliberate their calendar. All of the bills considered this week were in committee for review purposes for other standing committees. **HB 588** by Representative Matlock was deferred for two weeks, **HB 2325** by Representative Coleman was taken off notice and **HB 725** by Representative Cooper was rolled for one week.



The following bills were in committee for rulemaking purposes only and were passed to their appropriate standing committees with a positive recommendation:

HB 2328 by Representative Harmon – Judiciary
HB 704 by Representative McCord – Health and Human Resources
HB 1168 by Representative Sontany – Agriculture
HB 1423 by Representative Harwell – Education
HB 48 by Representative Mike Turner – State and Local government
HB 90 by Representative Harmon - Transportation
HB 139 by Representative Harmon - State and Local Government
HB 1227 by Representative Kelsey – Education
HB 1444 by Representative Rowland – Health and Human Resources
HB 1468 by Representative Fitzhugh – Finance, Ways and Means
HB 2286 by Representative Rowe – Health and Human Resources
HB 1056 by Representative Lois DeBerry – Health and Human Resources
HB 1921 by Representative Rinks – Conservation and Environment





Government Operations

Kristina Ryan

Other Legislation

The committee reviewed and referred **HB 59** by Representative Mike Turner to the Commerce Committee with no recommendation. Known as the “Welder’s Licensing Act of 2007”, this legislation requires that all welders in Tennessee be licensed by the Board of Licensing Contractors or by the county or municipality if the welder only performs welding work for the county or municipality. The Board of Licensing Contractors would be authorized to promulgate rules and regulations in order to implement this licensure program.

HB 1126 by Representative Buck was reviewed and referred to the State and Local Government Committee with no recommendation. This legislation enacts the “Voter-Owned Elections Act.” Under this bill, the Voter-Owned Election Advisory Council would be established to oversee the Democracy Fund as well as advising the Registry of Election Finance on rulemaking. This council would be a five member entity with all members appointed by the Governor. The Registry of Election Finance is delegated rulemaking authority in order to implement this legislation.

HB 1781 by Representative Ulysses Jones was referred to the Health and Human Resources Committee with a positive recommendation. This bill would require hospitals to admit or accommodate each patient who arrives via ambulance within 30 minutes of patient’s arrival. If the hospital fails to accommodate the patient within the 30 minute time period, then the hospital is subject to civil penalties of up to \$1,000 per 30 minute increment of delay. An amendment placed on the bill would transfer rulemaking authority from the Division of Health Related Boards to the Board of Licensing Health Care Facilities.

The committee reviewed and referred **HB 307** by Representative Hood to the Agriculture Committee with a positive recommendation. The “Animal Control Population Act of 2007” rewrites Tennessee’s spay and

neuter laws. In addition, the bill establishes an Animal Population Control Performance Review Committee, which will be responsible for determining the success of the spay/neuter program and recommend necessary improvements to the program. The committee would be comprised of the

Commissioner of Agriculture, the Commissioner of Health, President of the Tennessee Veterinary Association, a representative of the Tennessee Humane Association, two representatives of animal control organizations and two representatives of animal rescue organizations.

HB 1185 by Representative Sherry Jones was referred to the Children and Family Affairs Committee with no recommendation. This legislation authorizes the Commissioner of Human Services to promulgate rules regarding child support guidelines that mandate 27% of net income for child support regardless of parent’s total net income. The bill was sent to the next committee with no recommendation because an amendment that makes the bill is going to be placed in the standing committee.

HB 1680 by Representative Eldridge was reviewed and referred to the Commerce Committee with a positive recommendation. This legislation changes the requirements for obtaining an insurance producer license. An amendment placed on the bill would require that an applicant must 18 years of age and older. Another amendment adopted onto the bill clarifies that the education requirements be implemented by statute rather than by rule.

HB 1885 by Representative Overbey was referred to the Health and Human Resources Committee with a positive recommendation. This legislation enacts the “Tennessee Polysomnography Act”, which establishes the licensure and regulation of the practice of polysomnography. In addition, the bill creates a seven



Rep. Hood



Government Operations

Kristina Ryan

member Polysomnographic Professional Standards Committee which will be under the Division of Health Related Boards. All members will be appointed by the Governor.

HB 806 by Representative Odom was reviewed and referred to the Health and Human Resources Committee with a positive recommendation. The “Genetic Counselors’ Licensing Act” establishes the licensure of genetic counselors. The Board of Medical Examiners will be authorized to promulgate rules in order to enforce the provisions of this legislation. For rulemaking purposes, the act will take effect immediately while the remainder of the bill will take effect on January 1, 2008.

The committee reviewed and referred **HB 2310** by Representative Odom to the Conservation and Environment Committee with no recommendation at the request of the sponsor. This Administration bill increases the caps for a variety of fees imposed by the Solid Waste Control Board, the Oil and Gas Board, the Department of Environment and Conservation and the Board of Ground Water Management.

The Government Operations Committee will meet at 9:30 a.m., Wednesday, April 18th.



Health & Human Resources

Judy Narramore

Full Committee

The **Health & Human Resources Committee** met Tuesday, April 10, 2007, with 15 bills and one House joint resolution on calendar. Prior to taking up the calendar,

Chairman Armstrong announced the full committee will not meet next week; however, the subcommittees will meet during the full committee meeting time, 10:30 – 12:00.

April 17th,
10:30 a.m. - Noon:
Professional Occupations
Public Health
Health Care Facilities

Six bills were referred to Calendar & Rules:

HB 0896 (Sargent) defines “onsite medical clinic” and authorizes a clinical laboratory or a physician providing cytopathology services to bill an onsite medical clinic for such services.

HB 2250 (Coleman, Odom) makes presentation of a false or fraudulent claim for payment or approval of TennCare benefits to a TennCare contractor, subcontractor, or vendor an offense punishable as a Class B, C, or D felony, depending on the value of the claim.

HB 2333 (Brown, Odom) authorizes the Office of Vital Records to issue a copy of a death certificate that contains the cause of death information to members of the Child Fatality Prevention Teams.

HB 2264 (Favors, Odom) makes civil penalties assessed by any board, council, or committee attached to the Department of Health final, due, and payable on the date the Order in which they are assessed becomes final, and authorizes the boards, councils, committees, or the Department to order or enter into agreements for the payment of the assessed civil penalties in installments.

HB 2317 (Favors, Odom) requires health care providers to arrange for each pregnant woman to be tested for HIV early in the pregnancy and again in the third trimester, unless the woman refuses in writing; requires a woman who does not have a documented negative HIV test in the third trimester to be tested through a rapid HIV test, unless the woman refuses in writing; and, deletes present law that requires providers to report monthly to the Department of Health the number of pregnant women tested for HIV and the number of such women who tested positive.

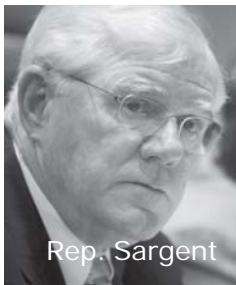
Six bills were referred to Finance, Ways & Means:

HB 1217 (Fincher) as amended requires a separate license for each emergency service, county specific for each base of operations. The amendment adds language that allows ambulance services operating in multiple counties on July 1, 2007, to be able to obtain licenses for those multiple counties by paying an application renewal fee.

HB 1457 (Sontany) as amended requires the Commissioner of Mental Health and Developmental Disabilities to create and administer a pool of funds that would be used to support the delivery of community-based behavioral health services to medically indigent or uninsured persons. Service delivery would begin not later than October 1, 2007.

HB 2090 (Maddox) as amended authorizes the Division of Mental Retardation Services (DMRS) to identify persons on the DMRS waiting list to fill the additional 120 ICF/MR beds that are being phased in over a three year period, and further, authorizes the DMRS to approve the persons to fill the new beds. The amendment exempts new ICF/MR non-facility beds established as a result of federal lawsuits or court orders from the certificate of need process.

HB 2091 (Maddox) requires the Division of Mental Retardation Services to adopt methodology, phased in over three years, to include salaries



Rep. Sargent



Rep. Fincher



Rep. Favors



Health & Human Resources

Judy Narramore

and benefits for direct care staff working in the community that are at least commensurate with salaries and benefits for direct care staff at the development centers.

HB 0842 (Pruitt) as amended revises existing law to require the Board for Licensing Health Care Facilities and the Emergency Medical Services Board to promulgate rules to provide optimal emergency medical and surgical services for pediatric patients in facilities they license; expands the membership of the Committee on Pediatric Emergency Care; and, authorizes travel reimbursement for the committee members. The amendment corrects a typographical error in the printed bill.

HB 1383 (S. Jones) as amended requires the Department of Health to implement a pilot program in six counties that would enable county clerks to issue certified copies of computer abstract birth certificates to walk-in customers. The provisions of the bill as amended would sunset on June 30, 2009.

At the request of the sponsors, the remaining bills on calendar were rolled to the next full committee meeting: **HBs 2261, 2273, and 2351 (Odom)** and **HB 1971 (Armstrong)**.

Public Health & Family Assistance Subcommittee

The **Public Health & Family Assistance Subcommittee** met immediately following full committee on Tuesday, April 10th with 10 bills on calendar, including the Addendum. Five bills were referred to full committee. **HB 1011 (Brown)** requires the Department of Health to reimburse residential homes for the aged \$25 per day, instead of the current \$13, for each resident whose total income does not exceed \$600 per month and whose income is limited to payments made under the Social Security Act. **HB 1503 (Vaughn)** requires the Commissioner of Finance and Administration, in consultation with the Commissioner of Health and the Traumatic Brain Injury Advisory Council, to develop before January 15, 2008, a federal waiver proposal to provide medical assistance

to persons with acquired brain injury. **HB 1958 (Armstrong)** as amended clarifies the legislative intent to provide behavioral health care services in a geographically equitable and efficient manner statewide in each grand division of the state; requires the State to alleviate geographic behavioral health service and support disparities across the state; urges the State to allocate budget improvements that promote equitable distribution of behavioral health services and supports among the grand divisions; requires the Department of Mental Health and Developmental Disabilities to calculate penetration rates, as defined in the amendment, for behavioral health services among the grand divisions; and, if by June 30, 2010, the penetration rates among the grand divisions are not substantially equal, requires the State to earmark funds for new initiatives that would develop behavioral health service delivery equity among the grand divisions. **HB 1960 (Armstrong)** authorizes the Department of Health to contract with an appropriate and qualified nonprofit organization to establish and administer a donated dental services program through which licensed, volunteer dentists would provide dental care for needy, disabled, elderly, and medically compromised persons who do not have dental insurance and are not eligible for dental services through a medical assistance program. **HB 2061 (Rowe)** requires the Department of Mental Health and Developmental Disabilities to implement a pilot program in Shelby County to provide information, outreach, partnerships, supervision of counseling and support services, and integration of primary care and

behavioral health services in the African-American community, and further, appropriates \$1,500,000 to fund the pilot project for the 2007-2008 fiscal year.



Rep. Vaughn
Chrmn. Armstrong



Health & Human Resources

Judy Narramore

Chairman Armstrong presented **HB 2063** that creates the Department of Aging and Disability and then rolled the bill one week for drafting of amendatory language. In other action, **HB 0650 (M. Turner)** was taken off notice at the request of the sponsor. **HB 0488 (Rowland)** was on the calendar in error, and is scheduled to be heard at next week's meeting. **HB 1370 (Kernell)** was rolled two weeks at the request of the sponsor. **HB 0244 (Shepard)** was taken off notice at the request of the sponsor.

Health Care Facilities Subcommittee

The **Health Care Facilities Subcommittee** did not meet Wednesday, April 11, 2007. **Rep. Maddox** requested to roll both bills on calendar, **HBs 2088** and **2089**, one week.

Professional Occupations Subcommittee

The **Professional Occupations Subcommittee** met Wednesday afternoon, April 11th with six bills on calendar, referring one to full committee. **HB 0812 (Odom)** as amended revises continuing education requirements for dentists and dental hygienists and subjects registered dental assistants to continuing education requirements. The amendment corrects a typographical error in the printed bill. In other action, **Rep. Overbey** presented **HB 0240** and offered an amendment that rewrites the bill to authorize covenant not to compete provisions in health care provider employment agreements. Rep. Overbey's amendment was adopted for purposes of discussion, and then the bill was rolled one week for review of additional amendments that members indicated they will offer to exempt certain types of providers from the legislation. **Rep. Overbey** rolled **HBs 0241** and **0628** to the last calendar. **HB 1197 (Pinion)** was taken off notice at the request of the sponsor. **HB 2087 (Maddox)** was rolled one week at the request of the sponsor.



Judiciary

Jamie Wyatt

Rep. Briley



The Full Judiciary Committee

The Full Judiciary Committee considered fifty-five bills on its calendar. HB 182 by Rep. B. Cooper failed. This bill would've permitted convicted felons who have had their rights of citizenship restored to

become bail bondsmen. HB 40 by Rep. Fraley was taken off notice.

The following bills were approved for passage and sent to the Finance, Ways and Means Committee:

- **HB 2 by Rep. Maddox** makes information on the sexual offender registration form public information regardless of the date of the conviction.
- **HB 164 by Rep. DuBois** expands the offense of unlawful possession of a weapon to include not only handguns, but all firearms as defined by the code.
- **HB 194 by Rep. Maggart** prohibits a sexual offender from threatening, harassing, annoying, intimidating or alarming by telephone, in writing, or by electronic mail, internet services, or by any other form of electronic communication the offender's former victims or the immediate family of the victims if the communication is for no legitimate purpose.
- **HB 312 by Rep. Briley**, as amended, increases the fee the supreme court clerk and deputy clerks of the supreme court can collect from \$4.00 to \$6.00 provided that these fees assessed to the state in criminal appeals be limited to amounts chargeable prior to July 1, 2007 (\$4.00)

- **HB 1188 by Rep. S. Jones**, as amended, authorizes payment from the criminal injuries compensation fund for the full expenses of forensic sexual assault examinations for the victim of any of the following sexually oriented crimes: rape, aggravated rape, statutory rape, rape of a child, aggravated rape of a child, statutory rape by an authority figure, sexual battery, aggravated sexual battery, or sexual battery by an authority figure. Compensation will not exceed \$750.00 and this amount shall constitute full compensation to the hospital or facility providing services. Victims will not be required to report the incident to law enforcement officials or to cooperate in the prosecution of the crime in order to be eligible for the payment. A claim for compensation must be filed no later than one year after the date of the examination and be accompanied by an itemized copy of the bill from the health care professional that conducted the exam.

- **HB 2169 by Rep. Maddox** provides that a person convicted of aggravated kidnapping, aggravated robbery, rape, aggravated sexual battery, statutory rape by an authority figure, aggravated child abuse and aggravated child neglect or endangerment or certain controlled substance violations will not be eligible for probation.

- **HB 89 by Rep. Harmon**, as amended, removes Grundy County and Union County's exemption from the law requiring the clerk of the court of general sessions or the clerk and master to serve as the juvenile court clerk in counties where general sessions court is also the juvenile court.



Rep. Harmon



Judiciary

Jamie Wyatt

- **HB 107 by Rep. Shepard** increases the penalty for the offense of allowing a vicious dog to run at large from a Class C misdemeanor to a Class A misdemeanor if the dog causes property damage to another. It makes the offense a Class E felony if the dog causes bodily injury to another. If the dog causes bodily injury to more than one person or causes serious bodily injury to another it is a Class D felony. It becomes a Class C felony if the dog causes the death of another while running at large.
- **HB 435 by Rep. DuBois** creates a new circuit court judgeship in the 22nd judicial district effective July 1, 2007. The 22nd judicial district consists of the counties of Giles, Lawrence, Maury, and Wayne. The bill specifies that a new judge will be appointed by the governor and serve until September 1, 2008 election, or until the person's successor is elected and qualified.
- **HB 456 by Rep. Sontany** expands the Class C felony offense of aggravated assault to include strangulation, regardless of whether the strangulation resulted in actual injury to the victim.
- **HB 1414 by Rep. Watson**, as amended, authorizes the Bradley County forensic laboratory to assess and receive a twenty dollar drug testing fee whenever a drug analysis is performed by a publicly funded forensic lab or other forensic lab maintained in or operated by the county for conducting tests to determine the drug and alcohol content of blood.
- **HB 1525 by Rep. Odom** makes it a Class A misdemeanor offense for a person to knowingly trespass or unlawfully enter upon an aircraft, air carrier, foreign air carrier or air operations or sterile area of an airport if the entry is in violation of security requirements established by federal regulation. If a person

violates this offense with the intent to commit an act in the aircraft, air carrier, foreign air carrier or air operations area or sterile area that is punishable as a felony under federal or state law, and the person is convicted of a felony, it will be classified as a Class E felony.

- **HB 1613 by Rep. Overbey** enacts the Tennessee Trauma Center Funding Law of 2007, which establishes a trauma center fund to provide funding to trauma centers based upon the number of trauma patients served by each trauma center. The department of health is authorized to develop other criteria for eligible applicants. The bill requires the advisory council to submit an annual report to the house health and human resources committee of the house of representatives and the senate general welfare, health and human resources committee on the incidence and status of traumatic injuries in Tennessee, the administration of the office of the coordinator, and recommendations for improving the collection and distribution of funds for trauma centers.



Rep. Watson

• **HB 2352 by Rep. Odom** increases the allocation of revenue from litigation tax to the Criminal Injuries Compensation Fund from 15.847% to 24.0020% and reduces the allocation to the General Fund from 40.3051% to 32.1502%.

• **HB 668 by Rep. Swafford**, as amended, revises the law governing self defense.



Judiciary

Jamie Wyatt

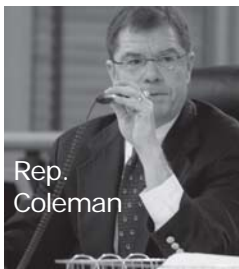
The following bills were approved for passage and sent to Calendar and Rules:

- **HB 75 by Rep. Dean**, as amended, allows a law enforcement officer acting in the course of his official duties to photograph, video, and/or audio record a juvenile in the following circumstances: committing an offense; conducting a field sobriety tests; or the juvenile is a victim of an offense and consents to the photographing or recording as long as it is taken solely for use as evidence in a case being investigated.



Rep. Dean

- **HB 96 by Rep. DuBois** makes the selling, exchanging, or giving of a controlled substance or other illegal drug to a minor an enhancement factor for sentencing purposes.
- **HB 209 by Rep. Lundberg** requires junk dealers to keep a book of the names of all persons whom they buy or get used catalytic converters.
- **HB 311 by Rep. Briley** transfers appointment power for three members of the Private Probation Services Council from the Chief Justice of the Supreme Court to the Governor.
- **HB 394 by Rep. Coleman** allows three days notice by a landlord to a tenant for termination of rental agreement suffice for the purpose of eviction in a housing authority if the tenant or another on the premises with the tenant's consent intentionally commits a violent act, or is engaged in any drug related activity, or behaves in a manner that constitutes or threatens to be a real and present danger to the health, safety, or welfare of the life or property of other tenants, the landlord, or other persons on the premises.



Rep. Coleman

- **HB 600 by Rep. M. Turner**, as amended, creates a Class A misdemeanor for any person to transport anyone into the state who the person knows or should have known has illegally entered or remained in the U.S., as determined by the Bureau of Immigration and Customs Enforcement of the U.S. Department of Homeland Security. This bill would not apply to common carriers. It also makes it a defense from prosecution if the individuals are being transported for religious purposes.
- **HB 914 by Rep. Maggart**, as amended, authorizes a governmental animal control or humane society to dispose of animals seized in animal cruelty prosecutions if a court ordered security deposit is not posted within 15 days of the order's issuance. However, if the person from whom the animal was seized is not the owner of the animal and did not post a bond within the 15 day timeframe, the court shall order the animal control agency or humane society to make all reasonable efforts to determine who the owner is and notify the owner. If the owner can't be located after reasonable efforts or the owner is located but doesn't post the bond within 10 days, the animal shall be deemed abandoned. If the court determines the person is indigent, the court may suspend the posting of any security pending disposition of criminal charges.
- **HB 956 by Rep. Maggart**, as amended, requires a sexual offender, within forty-eight hours, to report a material change in employment or vocational status to offender's registering agency. A material change includes being terminated involuntary, voluntarily terminating employment or vocation, taking different employment or same employment at a different location, changing shifts or substantially changing the offender's hours of work at the same job, taking additional employment, reducing it, or any other status



Judiciary

Jamie Wyatt

that differs from the offender's original information. For a change to be considered material, it must remain in effect for seven consecutive days or more. Also, the bill has reporting requirements for an offender who is from another state and who is not a resident.

- **HB 1198 by Rep. Pinion**, as amended, provides that a vehicle used in the commission of a violation of driving while such persons license is cancelled when the original suspension or revocation was made due to a



DUI violation is subject to seizure and forfeiture. Revenue derived from the sale of forfeited vehicles used in the commission of the offense of driving while license is cancelled due to a DUI offense shall be distributed as follows: revenue shall be retained by the seizing entity. Any remaining revenue, after compensation for towing expenses, sale, etc., shall be transmitted to the

department of health to be placed in a special fund known as the alcohol and drug addiction treatment fund. This fund is to pay for the cost of alcohol and drug addiction treatment for persons certified for treatment.

- **HB 1351 by Rep. Coleman**, as amended, creates the Tennessee Investment Services Act of 2007. The bill extends the vesting time for the rule against perpetuities from 90 years to 360 years. It allows an individual to set up a spend thrift trust subject to certain conditions to protect assets.
- **HB 1753 by Rep. Todd**, as amended, creates a Class A misdemeanor when a person commits the offense of indecent exposure who, while confined in a state correctional facility, local jail or workhouse, with the intent to abuse,

torment, harass or embarrass a guard, intentionally exposes the person's genitals or buttocks to the guard or engages in sexual contact with the intent to harass law enforcement.

- **HB 2097 by Rep. Maddox** expands the list of offense requiring a judge to revoke bail upon conviction. The bill requires a judge to revoke the bail of a defendant convicted of rape, aggravated child abuse, statutory rape by an authority figure, or stalking.

- **HB 2262 by Rep. Odom** limits the scope of review regarding state procurement contracts that are appealed to the Chancery Court to the record made before the review Committee. The scope of review shall involve only an inquiry into whether the Review Committee exceeded its jurisdiction, followed an unlawful procedure, or acted illegally, fraudulently, or arbitrarily without material evidence to support the action.



- **HB 2321 by Rep. Coleman**, as amended, provides records of the department of environment and conservation concerning radioactive materials regulated by the U.S. Nuclear Regulatory Commission or by a state under an agreement with the commission pursuant to the Atomic Energy Act, or disclosing the specific location of threatened, endangered, or rare species, that are confidential under federal law must be confidential and not open for public inspection.
- **HB 60 by Rep. M. Turner** prohibits the Governor from commandeering firearms or limiting the sale of ammunition during a state of emergency. Also, the bill prohibits the state or any public official from imposing additional restrictions on firearms and ammunition or ammunition components during a state of emergency or disaster.



Judiciary

Jamie Wyatt

- **HB 309 by Rep. Hood** adds campus police officers to those authorized to conduct certain seizures of property and forfeiture sales of such property.
- **HB 1329 by Rep. Briley** restores statutory authority for an incorporated municipality to adopt ordinances that mirror certain criminal laws. These ordinances are punished as violations of the municipal ordinance. The bill sets out certain offenses as state offenses and requires that any person arrested for violations of such offenses must be tried in state courts for state violations.
- **HB 1408 by Rep. Watson** requires certain flag displaying protocol to be followed when the official United States flag is flown on the property owned, operated, or controlled by the state of Tennessee or any political subdivision. The bill dictates the appropriate order of placement of flags from the top to the bottom as the following: the official flag of the United States, the official state flag, and other flags.
- **HB 1409 by Rep. Watson**, as amended, broadens the definition of desecration to include knowingly failing to place the official flag of the United States at the top when flown with other flags on property owned or under the control of the state or local governmental entities. A violation of this is a Class A misdemeanor.
- **HB 1412 by Rep. Watson** removes the current restriction regarding males under twenty-one years of age having facial hair while working with law enforcement to prevent the illegal sale of alcohol to minors.
- **HB 1961 by Rep. Armstrong** makes confidential certain information relating to donors of gifts to public institutions of higher education or to certain related foundations such as name, address, telephone number, social security number, driver license information, or any other personal identifiable information about the donor or family members of the donor.
- **HB 2267 by Rep. Shepard**, as amended, adds certain drugs to the controlled substances schedule. The bill makes it consistent with federal scheduling. The amendment provides that carisoprodol shall be considered a schedule V controlled substance when it is designated as a controlled substance under the federal Controlled Substance Act.
- **HB 2346 by Rep. Odom** provides that when computing annual salary increases that are tied to salary increases appropriated to state employees, increases are to be based solely on the specific percentage increase granted by the appropriations act to all general state employees. The bill is specifically addressing the salaries of District Attorneys General, certain Assistant District Attorneys General, Public Defenders, Assistant Public Defenders, and the Post-Conviction Defender.
- **SJR 38 by Sen. Kilby** urges President George W. Bush to pardon border control agents Ignacio Ramos and Jose Compean.

Bills rolled 1 week:

HB 299 by Rep. Overbey
HB 314 by Rep. J. DeBerry
HB 867 by Rep. Mumpower
HB 1100 by Rep. Buck
HB 1327 by Rep. Briley
HB 1328 by Rep. Briley
HB 1480 by Rep. Buck
HB 1783 by Rep. U. Jones
HB 2000 by Rep. U. Jones
HB 2314 by Rep. Odom
HB 1334 by Rep. Briley
HB 1566 by Rep. L. DeBerry
HB 2154 by Rep. Briley

Rolled 2 weeks:

HB 1837 by Rep. Coleman



Judiciary

Jamie Wyatt

Civil Practice & Procedure Subcommittee

The Civil Practice & Procedure Subcommittee met to discuss thirty-seven bills this week. The Civil Practice & Procedure Subcommittee is scheduled to close on Tuesday, April 17, 2007.

Civil Practice
closes on April
17th.

The following bills were approved for passage to the Full Judiciary Committee:

- HB 206 by Rep. Hawk, as amended, requires funeral establishments selling pre-need funeral services to identify to each purchaser that state law permits purchaser to execute a durable power of attorney for healthcare to ensure purchaser's wishes as to the disposition of his remains are followed and that the form is available at online at the Tennessee Commission on Aging website. The board of funeral directors and embalmers must draft a form containing this required information and have the purchaser sign an acknowledgment stating he received the information. The funeral establishment must retain a copy of this acknowledgment form.
- HB 548 by Rep. Shepard makes it a Class A misdemeanor if a person is a spectator at a dog fight.
- HB 1269 by Rep. Lynn, as amended, makes certain information contained in the personnel records or information of any state, county, municipal or other public law enforcement officers confidential such as the name of the officer's spouse, spouse's place of employment and educational institution, children's names, children's place of employment, child care information and educational information. The amendment also requires this information to be redacted and costs associated with redacting records or information regarding this



information, including the cost of copies and staff time to provide redacted copies, borne by the department, agency or custodian of the records. Also, the bill requires a decision made by the chief law enforcement officer with regard to redacted personnel information to be reviewed in a show cause hearing in chancery court.

- HB 1505 by Rep. Fitzhugh exempts qualified Archer Medical Savings Accounts and Health Savings Accounts from any claims of creditors of the participant or beneficiary, except the State of Tennessee.
- HB 148 by Rep. Dean, as amended, makes a violation of T.C.A. § 39-17-113, which involves the payment of citations for persons who purchase radar detectors or jamming devices, an unfair or deceptive trade practice under the Tennessee Consumer Protection of 1977.
- HB 1871 by Rep. Sargent permits juvenile courts to create and operate drug court treatment programs. It requires the Department of Finance and Administration, Office of Criminal Justice Programs to administer drug court treatment programs by developing standards of operation for drug court treatment programs. The bill requires clerks of all courts of general sessions, circuit and criminal courts and municipal courts exercising the jurisdiction of general sessions courts to collect \$75.00 from a defendant who has violated terms and conditions of a suspended sentence as a result of a positive drug screen. These funds are to aid the administration and operation of drug treatment programs created by exercising criminal jurisdiction. A participant in a drug court treatment program can't be a violent offender, must be drug abuser and willing to participate.
- HB 592 by Rep. Fincher, as amended, reinstates the requirement that a person who was paid



Judiciary

Jamie Wyatt

with a worthless check must elect whether to pursue the claim on the worthless check under the civil or criminal provisions of the law.

- HB 1216 by Rep. Fincher enacts the Tennessee Immigration Compliance Act. It requires public employers to register and participate in the federal work authorization program to verify information of all new employees. The bill prohibits a public employer from contracting for the performance of services unless the contractor or subcontractor participates in the program. The required compliance date is dependant on the number of employees. The bill also directs the governor to establish a memorandum of understanding with the U.S. Department of Justice or the federal department of homeland security concerning enforcement of federal immigration laws, detention and removal. Creates felony offenses for human trafficking for labor servitude and sexual servitude. It also permits a corporation to be prosecuted for such an act if certain conditions are met.
- HB 1153 by Rep. Buck grants jurisdiction to circuit and chancery court for purposes of hearing contract disputes for goods or services. Jurisdiction will depend on where the defendant can be found, the contract was executed, goods were provided or were to be provided, or where services were rendered or were to be rendered.

Rolled 1 week:

HB 2248 by Rep. Ferguson
HB 106 by Rep. Shepard
HB 108 by Rep. Shepard
HB 1857 by Rep. Hackworth
HB 902 by Rep. McDonald

HB 143 by Rep. McDonald
HB 2096 by Rep. Maddox
HB 2086 by Rep. Maddox
HB 2225 by Rep. Maddox
HB 2263 by Rep. Odom
HB 1881 by Rep. Overbey
HB 1255 by Rep. Overbey
HB 970 by Rep. Overbey
HB 758 by Rep. Matheny
HB 1354 by Rep. S. Jones
HB 936 by Rep. Maggart
HB 2207 by Rep. Kelsey
HB 1108 by Rep. Buck

Off Notice:

HB 1453 by Rep. Tidwell
HB 2217 by Rep. Lynn
HB 721 by Rep. DuBois
HB 1018 by Rep. Buck

Bills sent to Summer Study:

HB 2080 by Rep. Maddox
HB 1222 by Rep. Gilmore

Bills that Failed:

HB 584 by Rep. DuBois
HB 1242 by Rep. Kelsey
HB 1234 by Rep. Kelsey
HB 1828 by Rep. Todd

Criminal Practice & Procedure Subcommittee

The Criminal Practice & Procedure Subcommittee met to discuss thirty-three bills. The Criminal Practice & Procedure Subcommittee is scheduled to close on Wednesday, April 18, 2007. House bills 2224 and 2226 by Rep. Maddox were rolled until the committee's first calendar of 2008.

Criminal
Practice
will close
April 18th.

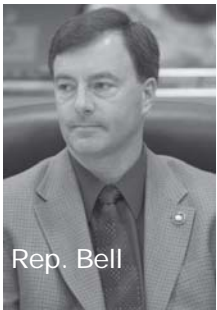


Judiciary

Jamie Wyatt

The following bills were approved for passage to the Full Judiciary Committee:

- HB 1116 by Rep. Buck requires the sheriff of each county to file his written policy relating to access to drug and alcohol treatment organizations with the department of mental health and developmental disabilities.



Rep. Bell

- HB 132 by Rep. Bell, as amended, authorizes a person with a handgun carry permit to possess a handgun the entire year while in a public hunting area, refuge, wildlife management area or to the extent permitted by federal, national forest land. However, such a person is not authorized to use the handgun to hunt unless the person is in full compliance with all wildlife laws.
- HB 1285 by Rep. Crider, as amended, as it relates to emergency management powers of the governor, prohibits the state, political subdivision or a public official from prohibiting or imposing additional restrictions on the lawful possession, transfer, sale, transport, carrying, storage, display or use of firearms and ammunition or their components during any state of emergency, major or natural disaster.
- HB 1141 by Rep. Buck, as amended, requires proceeds from forfeitures of conveyances, real or personal property used in the commission of a sexual offense against a person be transmitted to the Child Abuse Fund. Amendment #2 of the bill permits a county legislative body to vote to impose an additional fee of not more than ten dollars for the booking and processing of each person subject to arrest or summons. Such a fee shall be collected at the same time and in the same manner as other fees collected by a sheriff.

- HB 1454 by Rep. Buck authorizes a court to grant an extension of bail when a defendant fails to appear. Also, the bill removes the requirement that a statement made by a physician or warden be sworn when accounting for a defendant's failure to appear.
- HB 284 by Rep. Overbey adds rape of a child and aggravated rape of a child to the felonies included in the felony murder statute. Also, the bill requires misdemeanor probation officers to conduct a search of the TBI's Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking database to determine whether the a new offender assigned to them is included on the sex offender registry. If so, the probation officer is required to inform the sentencing judge of probationer's status.
- HB 1099 by Rep. Buck increases the penalties of rape of a child from a Class A felony, which is punishable by not less than 15 years nor more than 60 years, to life imprisonment or life without parole. The bill also increases the penalty of aggravated rape of a child from a Class A felony with a maximum sentence of 60 years to a capital offense punishable by death, life imprisonment, or life without parole.



Chairman Briley announced that there will be a special summer study committee for all the DUI bills presented this session. These bills will be evaluated along with the current DUI law to determine what changes need to be made in hopes to lower the incidence of DUI vio-



Judiciary

Jamie Wyatt

lations in the state. Members will be notified by the committee of the date, time and place for this summer study committee. The following bills were referred to this summer study DUI calendar:

HB 128 by Rep. Bell
HB 927 by Rep. DuBois
HB 1887 by Rep. Tindell
HB 144 by Rep. McDonald
HB 308 by Rep. Hood
HB 660 by Rep. Hill
HB 797 by Rep. Casada
HB 798 by Rep. Casada
HB 1002 by Rep. Curtiss
HB 1722 by Rep. Rowland

Rolled 1 week:

HB 388 by Rep. Crider
HB 411 by Rep. Todd
HB 582 by Rep. DuBois
HB 663 by Rep. Hill
HB 901 by Rep. Maggart
HB 953 by Rep. Maggart
HB 1365 by Rep. Kernell
HB 1834 by Rep. J. DeBerry
HB 1835 by Rep. J. DeBerry
HB 1952 by Rep. Lynn
HB 1615 by Rep. Overbey
HB 1034 by Rep. J. Deberry
HB 720 by Rep. Buck

Off Notice:

HB 607 by Rep. M. Turner
HB 831 by Rep. DuBois
HB 56 by Rep. M. Turner
HB 1877 by Rep. Towns
HB 2297 by Rep. Maddox
HB 1061 by Rep. Gresham
HB 380 by Rep. Briley



State & Local Government

Lawrence Hall, Jr.



Chairman Jones

This week in **State and Local Government** full committee, twenty-one bills were on the calendar for consideration. Nine bills were passed to Calendar and Rules, three were passed to Finance, Ways, and Means, and the others were rolled or taken off notice.

Calendar and Rules:

-HB 2079 by Maddox – This bill requires that all police and highway patrol officers be provided training on the proper response to persons with mental illnesses.

-HB 1470 by Fitzhugh – This bill makes some technical changes to reporting deadlines and confidentiality requirements with regard to property tax filings.

-HB 840 by Favors – This bill restricts the movement of a single family residence from a foundation to a lot within a developed area of single family residences.

-HB 2291 by M. Turner – This bill allows the department of general services to use the best value procurement methodology for purchasing goods and services.

-HB 2269 by M. Turner – Renames the department of personnel as “department of human resources.”

-HB 1294 by Sargent – This bill requires certain members of the municipal planning commission serving as regional planning commission to reside in the region served by such regional planning commission.

-HB 2219 by Lynn – This bill enacts the “Orphaned Information Technology Recovery Act.”

Finance, Ways, and Means:

-HB 1992 by Ferguson – This bill authorizes Roane County to dispose of surplus property by internet auction if approved by two-thirds vote of the county legislative body.

-HB 2078 by Maddox – This bill requires that all police officers and highway patrol officers who are on duty in patrol vehicles be provided with safety devices for any necessary water rescue.

-HB 1473 by Fitzhugh – This bill requires a vote of approval of two-thirds of the county legislative body for an industrial development corporation to negotiate annual payments in lieu of taxes for less than an amount equal to property taxes.

-HB 1814 by Hood – This bill requires the Tennessee Firemen’s Association and the Tennessee Fire Chiefs’ Association to raise at least \$35,000 for the design, construction, and maintenance of a memorial to fallen firefighters on the grounds of the Tennessee Fire Service and Codes Enforcement Academy. This also appropriates an additional \$250,000 for the design, construction, and maintenance of the memorial.

-HJR 52 by M. Turner – This resolution creates a special joint committee to study the effect of illegal immigration on Tennessee.

-HB 1433 by M. Turner – This bill will provide a funding source for the expansion of the Gaylord Opryland Hotel.

-HB 1075 by M. Turner – This bill designates each field representative under contract with the commission on firefighting personnel standards and education as a contract vendor to be a part-time state employee.

-HB 2243 by Borchert – This bill increases the paid military leave time from 15 to 20 working days a year.

-HB 1355 by Hackworth – This bill specifies that an automatic two-step salary advancement for administrative assistants employed by the state is dependent upon passing certain examinations.



Rep. Borchert



State & Local Government

Lawrence Hall, Jr.

Rolled 1 Week:

-HB 1442 by Dunn – This bill prohibits a member of a county election commission or the state election commission from participating in the management or leadership of a political party organization or a candidate's campaign during such member's term of office.



Rep. Dunn

Last Calendar:

-HB 1610 by L. Miller – This bill extends to Shelby County the authority that municipalities have to inspect, test, measure, and weigh any article for consumption or use within the county, and charge reasonable fees, and provide standards of weights, tests, and measures.

Off Notice:

-HB 1345 by Shepard – This bill continues the joint study currently being performed by TSU and MTSU of solid waste in Tennessee.

-HB 624 by M. Turner – This bill prohibits chained dogs, parked cars, and appliances in the front yard of residential units in certain counties.

The **State Government** subcommittee considered ten bills this week. Five bills were passed to full committee for consideration next week. All others were rolled to a later date or taken off notice.

Full Committee:

-HB 1146 by Buck – This bill requires 30 percent of passenger motor vehicles purchased by the state during a fiscal year to have an estimated highway gasoline mileage rating of at least 35 miles per gallon.

-HJR 155 by Brown – This bill requests a sculpture be created and displayed in the Capitol to honor and commemorate the first African-Americans who served in the General Assembly.

-HB 1575 by L. Miller – This bill allocates 0.5 percent of the department of correction's annual appropriations to the Tennessee Amachi Initiative for mentoring children with an incarcerated parent.

-HB 1195 by Harmon – This bill authorizes TRICOR to enter into an interagency agreement with the department of children's services to provide work training opportunities for juvenile offenders.

-HB 1995 by L. Miller – This bill authorizes certain parties to sue owner of building that is a public nuisance for compliance with building codes.

Rolled, Off Notice, or Failed:

- HB 1276 by Lynn – 1 Week
- HB 1172 by Windle – Off Notice
- HB 1998 by U. Jones – 1 Week
- HB 406 by Todd – Last Calendar
- HB 1264 by Lynn – 1 Week

This week in **Local Government** subcommittee there were nineteen bills on the calendar. The committee passed five bills to full committee to be considered next week and the others were either rolled, taken off notice, or set for a special calendar.

Local Gov't will have its final calendar on April 25th.

Full Committee:

-HB 1080 by M. Turner – This bill authorizes the registration of electronic records.

-HB 1462 by Fitzhugh – This bill specifies that failure to pay the undisputed portion of the tax or any other delinquency on the property by the time of the hearing will result in dismissal of the hearing without further right to appeal.



State & Local Government

Lawrence Hall, Jr.

-HB 1182 by S. Jones – This bill increases the recording fee for businesses transferring from one location to another within the same municipality from \$3.50 to \$5.00.

-HB 326 by Sargent – This bill changes procedure for submission of subdivision plats to the planning commission.

-HB 1752 by U. Jones – This bill removes requirement that an aquarium exhibition facility must be an enclosed facility to qualify as a premier type tourist resort for the purposes of on-premises consumption of alcoholic beverages.

Bills Rolled or Taken Off Notice:

- HB 760 by Matheny – Last Calendar
- HB 1043 by Towns – Last Calendar
- HB 1267 by Lynn – 1 Week
- HB 1286 by Lynn – Special Annexation Calendar
- HB 1287 by Lynn – Off Notice
- HB 969 by Overbey – 1 Week
- HB 1825 by Lundberg – Rolled 2008
- HB 2289 by Shepard – 1 Week
- HB 195 by Hensley – Rolled 2008
- HB 1946 by Lynn – 1 Week
- HB 1239 by Kelsey – Last Calendar
- HB 1850 by Todd – Last Calendar
- HB 1755 by U. Jones – Last Calendar

This week in **Elections Subcommittee** six bills were on the calendar. One bill was sent to full committee to be considered next week. One bill, **HB 544 by Rep. Crider**, failed this week.

Sent to Full Committee:

-HB 1917 by Rinks – This bill requires applications for voter registration to be accepted and processed through the 29th day before election if the 30th day falls on Sunday.



Bills Rolled or Taken Off Notice:

- HB 626 by M. Turner – 1 Week
- HB 1999 by U. Jones – 1 Week
- HB 408 by Todd – 1 Week
- HB 409 by Todd – 1 Week
- HB 1874 by Buck – 1 Week

Failed:

-HB 554 by Crider – This bill prohibits the secretary of state, treasurer, comptroller, and any commissioner or assistant commissioner from appearing in an official capacity at any campaign event for any candidate for office in this state.



Transportation

Jeremy L. Elrod



Chairman
Pinion

Full Committee

The **House Transportation Committee** convened on April 10, 2007 to consider eight bills. **HB1413** (Watson), **HB553** (Bass) and **HB1154** (Buck) were deferred one week.

The following bills were referred to the **Calendar and Rules Committee**.

HB851 (Eldridge) – As amended, written reports prepared by law enforcement officers or written notices shall include information about the insurance policy, including the name of the insurance company, if known. The bill will apply only as new accident reports are obtained by law enforcement agencies, and existing accident report forms would not need to be disposed of.

HB1729 (P. Johnson) – Exempts persons with a permanent disability from furnishing a physician's statement upon renewal of a handicapped placard or tag.

HB750 (Harmon) – As amended, defines "changeable message sign" for purposes of "Billboard Regulation and Control Act of 1972". A message must stay on the sign for at least 8 seconds with a maximum change time of 2 seconds. Video messages are prohibited.

The following bills were referred to the **Finance, Ways and Means Committee**:

HB1381 (S. Jones) – Increases fee charged by county clerk for collection of sales taxes on boats and other such vessels from \$2.00 to \$6.00 and on every other transaction where sales tax is collected from \$1.00 to \$5.00.

HB491 (Gresham) – As amended, permits the department of safety to negotiate an agreement with federal authorities to train certain highway patrol officers to perform certain immigration law enforcement functions.

The bill authorizes highway patrol officers certified as trained under such an agreement to enforce federal immigration and customs laws in Tennessee. As amended the bill also requires there to be at least one employee of the Tennessee highway patrol in each district office who is trained pursuant to the memorandum of understanding.

Commissioner of Transportation Gerald Nicely and Chief Engineer Paul Degges gave the committee a presentation on road projects that will be delayed due to a cut of over \$150 million in federal highway funds.

Public Safety & Rural Roads Subcommittee

The **Public Safety & Rural Roads Subcommittee** met April 10, 2007, to consider eight bills. Action on **HB1112** (Buck) and **HB968** (Overbey) were deferred for one week. **HB1915** (Rinks) and **HB2042** (Shaw) were taken off notice.



Comm. Nicely



Rep. Gresham



Transportation

Jeremy L. Elrod

The following bills were referred to the full **Transportation Committee**:

HB1214 (Borchert) – As amended, places \$1.00 of each vehicle registration fee collected in the state into a state veterans' home reserve. Funds in the reserve will be used exclusively to assist eligible veterans in Tennessee state veterans' homes.

HB1058 (Gresham) – Requires, rather than permits, judges to dismiss violations of the financial responsibility law if the person charged with the violation presents sufficient evidence of compliance on or before the court date.

HB1290 (Pinion) – Prohibits a municipality with a population of 10,000 or less from issuing speeding tickets on interstates within the territorial limits of such municipality.

HB1974 (Maggart) – Creates a Class C misdemeanor offense subject to a fine only for a parent or legal guardian to permit a child under the age of 18 to operate or be a passenger on an off-highway motor vehicle on certain property without wearing a helmet that meets the U. S. department of transportation standards. The bill also authorizes municipalities to adopt mirror ordinance and to issue a traffic citation in lieu of arrest for a violation. As amended, the maximum fine for a violation of this bill's helmet requirement is \$50.00, however the court costs that may be charged in conjunction with the imposition of the fine is limited to \$10.00.

Public Transportation & Highways Subcommittee

The **Public Transportation & Highways Subcommittee** met on April 10, 2007 to consider nine bills. **HJR154** (Shaw) and **HB1247** (Odom) were deferred one week. **HB1173** (Windle) was taken off notice.

The following bills were passed to the full **Transportation Committee**:

HJR243 (Watson) – “Cherokee Memorial Bridge” highway signs on a bridge spanning Hiwassee River on State Route 58 in Meigs County.

HJR244 (Watson) – “Veterans Memorial Bridge” highway signs on a bridge spanning U.S. Highway 64 on State Route 68 in Ducktown, Polk County.

HB2223 (Maddox) – “Herman Neal Walker Memorial Bridge” highway signs on a bridge spanning North Fork of Obion River on State Route 118 in Weakley County.

HB1204 (Harmon) – Enacts the “Tennessee Tollway Act” to authorize the department of transportation to develop tollway or toll facility projects and to operate tollways or toll facilities.

HB1205 (Pinion) – Authorizes the state and local jurisdictions to enter into contracts with private entities to operate certain transportation facilities subject to oversight regulation by the department of transportation.

HB2253 (Pinion) – Authorizes the department of transportation to award contracts using a design-build procedure. As amended, TDOT may initiate up to 15 design build contracts in one fiscal year that are less than \$1 million and not more than 5 design build contracts that are in excess of \$1 million. If a proposed design build is more than \$70 million, it must be specifically identified in the transportation improvement program annually submitted to the General Assembly. A report shall be given to the chairmen of the House and Senate Transportation committees once 3 design build contracts that are in excess of \$1 million are completed.

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Picture of the week:



Senator Lamar Alexander is shown greeting House members during a recent visit to the Capitol.

